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LETTER DATED 3 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you, annexed hereto, a memorandum from the Government of the Democratic Republic of the Congo on the crimes against humanity and grave human rights violations committed by the armed forces of the Rwandan-Ugandan coalition in the occupied provinces of the Democratic Republic of the Congo.

My Government would be grateful if you would have this memorandum circulated as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador
Permanent Representative

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Annex

Memorandum dated 2 December 1998 on the massacres perpetrated by Rwandan and Ugandan troops in the Kivu provinces of the Democratic Republic of the Congo

1. The Government of the Democratic Republic of the Congo has the honour to alert the international community to the continuing grave violations of human rights and international humanitarian law perpetrated with full impunity by Rwandan and Ugandan aggression troops in the Eastern provinces of the Democratic Republic of the Congo.

2. This memorandum is a follow-up to the memorandums dated 31 August 1998 on the armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of the Congo (S/1998/827) and 8 November 1998 on the situation prevailing in the Democratic Republic of the Congo (S/1998/1042 of 6 November 1998), addressed to the President of the Security Council.

I. MURDERS

3. In the light of the complete indifference of the international community, the aggression troops of the Rwandan-Ugandan coalition are carrying on inexorably their evil genocidal operation against the Congolese people. Murders of peaceable Congolese citizens have become commonplace and serve to keep the population in a state of abject terror. The following are new incidents that have been added to the list (sadly, already long) of crimes committed by the Rwandan-Ugandan coalition.

4. On 3 August 1998, at around 4 p.m., a group of 38 officers and about 100 soldiers of the Congolese Armed Forces were murdered at the Kavumu airport after having been disarmed. The firing squad was led by Commander Tshapululu Palanga of the Congolese Armed Forces 222nd Brigade.

5. On 27 September 1998, Mr. Shabade, returning from the hospital in Bukavu after visiting his wife, who had recently given birth, was killed in his home by four Rwandan soldiers.

6. On 1 October 1998, Mr. Nkashama was kidnapped from his home by Rwandan soldiers. His corpse was found about an hour later, abandoned on the road near the Institut Supérieur Pédagogique (ISP) in Bukavu.

7. On 16 October 1998, Mr. Nyenyezi Bahati, aged 26, an inhabitant of the Kadutu area in Bukavu, was murdered in a cowardly manner by a squad of six Rwandan soldiers, for no apparent reason.

8. On 28 October 1998, Mr. Ngasi Okubikaba, an inhabitant of the Mulengeza district, was murdered by soldiers who ransacked his house and brutalized his family.

9. On 1 November 1998, Miss Furaha Nvuzabagoma, aged 17, an inhabitant of the Cimpunda district, was slain by a Rwandan soldier who shot her in the head after she had rejected his sexual advances and refused to follow him.

10. On 3 November 1998, the residents of the Cihamba district discovered, amid the rubbish, a massacre site containing the bound bodies of 12 people who had been murdered with knives. Before they had time to identify the victims, a lorry filled with Rwandan soldiers collected the corpses and took them away.

11. These massacres were confirmed by independent sources. Nevertheless, in various remote localities in the provinces of North Kivu, South Kivu and Maniema, the instances of murders and massacres perpetrated by Rwandan soldiers against the civilian population are far more numerous, although precise documentation on this subject is difficult to obtain.

12. For instance, news has reached us from the village of Bushaku, in the Kalehe area, of the murder of the old village chief, Mr. Alphonse Kaswela, aged 75, as a reprisal. This horrendous act was perpetrated on 28 October 1998 by Rwandan soldiers returning from a clash with Maï-Maï combatants. They also murdered his wife, Mrs. Madeleine M'Cibolo, and his grandson by burning them alive. On this same occasion, Rwandan soldiers slit the throat of a 10-year-old child named Jules Kamwenda-Fataki.

13. As to the massacres committed in Kasika on Monday, 24 August 1998, at the Lwindi administrative centre, Mwenga territory, the partial information that the Government has received from this region occupied by the Rwandan-Ugandan coalition makes it possible to inform the international community of the following atrocities:

(a) At the time of the massacres, most of the corpses found over a 60-km radius from Kilungutwe to Kasika were those of women and children. The women had been raped before being murdered with knives and their bellies had been slit open from the vagina to the abdomen;

(b) In Kilungutwe, more than 127 persons were massacred and their bodies thrown into the indigenous latrines;

(c) In Kalama, 16 persons were killed in the Ibanda district and 31 in the town centre;

(d) On the outskirts of Kasika, a Greek national and about 10 Congolese were shot at the house of the late Mr. Mupali Zotos, better known by his nickname, "Mbilizi";

(e) Four hundred persons belonging to the Mangele and Tupiengenge subgroups of the Warega ethnic group were also massacred in the forest adjacent to Kasika;

(f) Several Bashi merchants who were accustomed to carry on their trade in the area from Kabare and Walungu to Kamituga, and who had the misfortune to be in the Kasika area on 24 August 1998, were killed.

14. The Government of the Democratic Republic of the Congo was also able to obtain testimony from Mr. Ngwata Chibashimba, head of the South Burhinyi Group, and the Reverend Pastor Jean Paul Wabenga, pastor in charge of the Celm-Kilungutwe area, who sent a sad letter to human rights leaders in Europe and to the pastors of the Churches of Christ in Grabs, Switzerland. In order to promote a better understanding of the crimes that have been committed, particularly in Kasika, the Government of the Democratic Republic of the Congo has deemed it appropriate to transmit this testimony in its entirety and unaltered.

"To human rights leaders in Europe. To the pastors of the Churches of Christ in Grabs, Switzerland.

Subject: S.O.S. The slaughter continues to rage here in East Congo. Do not abandon us.

Dear brothers,

Since 9 August 1998 we have been receiving reports here that there is violent fighting between the Maï-Maï nationalists and the Rwandan and Ugandan soldiers who have come to conquer our country. We saw those soldiers with our own eyes on 10 August 1998. As they passed through this region, one kilometre away from Kasika, the aggressors fled before the Maï-Maï, returning towards Bukavu via Kasika, Kilungutwe, Kimalandjala and Burhuza, where they left total desolation as a souvenir of their passage.

We at Kilungutwe are not far from the residence of Mwami Kalenga (who was killed by the Rwandan-Ugandan Tutsi), Chief of the tribal area of Lwindi-Kasika, which is at the foot of the hills and out of reach of the press and television. A number of the martyrs in this war, imposed on us by the United States and its allies Uganda and Rwanda, are known only to God. It is almost a week already since the Monday (market day in Kilungutwe when more than 3,000 people assemble to do their shopping) on which the Rwandan and Ugandan soldiers arrived and massacred the defenceless civilian population.

That was how the curate of the parish of Kasika, a monk, some nuns, some Protestant evangelists and Mwami Kalenga, Chief of the tribal area of Lwindi, together with his entire family were killed, some with bullets and others by having bayonets and machetes plunged into their stomachs and heads. The soldiers encircled the civilian population in Kasika and went from house to house, slitting the throats of men, women and children without mercy.

Namuguma Mihingano, an important merchant here, survived the genocide committed by the Rwandan-Ugandan aggressors. He told us that he had seen soldiers hidden in the bushes in Nyabulimba, where all coming from Kitwabaluzi, Itudi, Chibindie, Mulanga and Ngweshe had been captured, had had their hands tied behind their back and had been locked up in one of three large thatched houses to the right of the former store-cum-bar of Mr. Jonas. Once one of the houses had been filled with men, the soldiers had set fire to it. All the victims had been burned and those who had

managed to escape through a window had been shot in the head or the stomach. The genocidal Tutsi soldiers had not gone into the houses to identify and finish off those who were not completely dead. That grim task had been performed by means of a grenade or the like tossed through the window. A large number of whole families had been exterminated. At 9 a.m. some women - Njabuka, Maria wa Minali, Jeanne Kasibi, Mtenga Nabintu, Chidunda Ntegesa, Hobe wa Banige, Kararo wa Guluma, M'munyanga and M'Chirera - who were busy working in their fields situated along the Mimaladjala road were taken forcibly by the soldiers, violated and then killed with cutting weapons. Their stomachs were slit, their eyes torn out, and their bare bodies were left on the highway. When they arrived at Burhuza on the afternoon of the same day, the soldiers entered the Kinaplant plantation where they killed the manager and his aged guard. We have recently lost 1,316 persons here, all killed by the Rwandan-Ugandan soldiers. That figure does not include persons whose dead bodies were thrown into the bushes and who continue to be found.

Brothers, you who defend human rights, have pity on us by calling on the aggressors to cease their attacks against the civilian population and the churches of our country. We request above all that they return home to Rwanda and Uganda.

(Signed) Ngwata Chibashimba
Representative of the South Burhinyi
Party Groups
Head of Group

(Signed) The Reverend Pastor Jean Paul Wabenga
Pastor in charge of the Celm-Kilungutwe area"

II. ARBITRARY ARRESTS

15. On 22 October 1998, following the flight of Jean-Charles Magabe, Governor of the province of South Kivu, five members of the delegation which accompanied him to Uvira, namely Badeshire Usungu, the Private Secretary of the Governor, Jean Banyaga Matembeira, brother-in-law of the Governor, Rutega Bushungu, chauffeur, and Mongu Malas and Patrice Bashizi, bodyguards of the Governor, were apprehended in Bujumbura by the Burundian authorities in flagrant violation of international humanitarian law. The persons concerned presented themselves on 17 October 1998 to the Representation of the United Nations High Commissioner for Refugees (UNHCR) to ask for UNHCR protection and assistance. According to a letter of protest which Human Rights Watch addressed on 30 October 1998 to Major Pierre Buyoya, they had succeeded in obtaining the protection and assistance of UNHCR.

16. They would be forcibly returned to the occupation zones by the Burundian authorities and imprisoned in Bukavu on the charge of having assisted the Governor to flee. They were kept in the dungeon of the Special Investigation and Security Brigade and were finally released on 6 November 1998.

III. DISPLACEMENT OF THE POPULATION

17. The international community must be alerted to the attempts of the Rwandan-Ugandan coalition to modify to their own advantage the fragile ethnic balance of the provinces under their control.

18. Accordingly, to strengthen the Tutsi presence in South Kivu, from the end of October 1998 until the beginning of November 1998 the entire Tutsi-Bavyura population was displaced from the area of Moba, in the north-east of the province of Katanga. Estimated to be approximately 20,000 persons strong, the population was settled in the area of Uvira. The movement of persons, although currently occurring at a slower pace than before, is in defiance of the most basic rights of some of the Congolese people, who are seeking their lands confiscated and their fields ravaged by herds of cows belonging to the newcomers. Another result of the displacement has been to arouse indescribable fear in a large number of farmers, who have fled their villages and taken refuge in the forests or with the inhabitants of neighbouring areas. For example, the arrival in the area of Uvira of the Tutsi-Bavyura population prompted a major displacement of the local Bunyakiri, Kalonge, Nyabibwe, Kasika-Mwenga, Kitutu and Shabunda populations.

19. It is troubling to have to note that the entire humanitarian assistance effort of non-governmental organizations still present and active in these areas has favoured the operation to modify the ethnic balance, to the detriment of the genuinely Congolese population.

IV. INTIMIDATION OF THE POPULATION

20. On 17 October 1998, a march and a people's rally were organized by the so-called leaders of the rebellion to celebrate the victory of Kindu, which fell on 12 October 1998. The several hundred inhabitants of Bukavu who participated in this event, either through coercion or out of curiosity, followed in an icy atmosphere the various hollow, aggressive and threatening speeches made by the occupation authorities, including Mr. Bizima Karaha, who is in charge of foreign affairs for the so-called rebels, Mr. Mutware, the de facto Mayor of Bukavu and Mr. Serukiza, the de facto Vice-Governor of South Kivu.

V. CONCLUSION

21. In the light of the foregoing, the Government of the Democratic Republic of the Congo again urges the Security Council of the United Nations to shoulder all its responsibilities and to discharge fully its function of maintaining international peace and security, by:

1. Strongly condemning the invasion of Congolese territory by Rwandan and Ugandan troops;

2. Requiring Rwanda and Uganda to withdraw their troops immediately from Congolese territory;

3. Calling on Rwanda and Uganda to halt forthwith all acts of violence against the Congolese population of the occupied provinces;

4. Initiating the process of arresting, bringing to justice and convicting those responsible for the violations of human rights and international humanitarian law perpetrated against the Congolese population following the armed aggression against the Democratic Republic of the Congo of which they were guilty.